

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2007-226-T – ORDER NO. 2007-728
OCTOBER 23, 2007

IN RE: Application of Moovers and Groovers, Inc.,)	ORDER APPROVING
1023 Wappoo Road, Suite A-15, Charleston,)	APPLICATION
South Carolina 29407 (District 1) for a Class)	
E (Household Goods) Certificate of Public)	
Convenience and Necessity.)	

INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (“the Commission”) by way of the Application of Movers and Groovers, Inc. (“the Applicant” or “the Company”), dated May 11, 2007, for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, as defined in 26 S.C. Code Ann., Regs. 103-210(1) (Supp. 2006)
Between Points and Places in South Carolina

Upon receipt of the Application, the Commission’s Docketing Department directed the Company to publish a Notice of Filing advising the public of the submission of the Application and the manner in which interested persons might intervene or otherwise participate in this proceeding. The Company filed Affidavits of Publication which demonstrated its compliance with the instructions of the Docketing Department.

On June 12, 2007, the Office of Regulatory Staff (“ORS”) filed a formal Notice of Appearance of Counsel by which the ORS indicated its intention to participate in the

proceeding, pursuant to S.C. Code Ann. § 58-4-10(B)(Supp. 2006). No other person filed to intervene or protest the Application.

Pursuant to a Notice of Prehearing Conference and Rescheduled Hearing, on September 10, 2007, the Commission Staff conducted a telephonic conference to address outstanding administrative and procedural matters prior to the hearing which the Commission scheduled for September 20, 2007.

In accordance with the Commission's procedures, an evidentiary hearing was conducted on September 20, 2007, in the offices of the Commission, to address the issues in the Company's Application. The Honorable G. O'Neal Hamilton, Chairman, presided, and Vice Chairman Moseley and Commissioners Clyburn, Fleming, Howard, Mitchell and Wright were in attendance and participated. Randall Dong, Esquire, served as Advisor to the Commission. Robert T. Bockman, Esquire, appeared as counsel for the Company; and Shealy Boland Reibold, Esquire, and Jeffrey M. Nelson, Esquire, appeared on behalf of the ORS.

The record in this proceeding consists of the pleadings, the oral testimony of seven (7) witnesses for the Company, and one (1) witness for the ORS, and five (5) Hearing Exhibits.

At the close of the evidentiary hearing, Commissioner Howard moved that the Company's Application be approved and that a corresponding Class E Certificate of Public Convenience and Necessity be issued after inspection of the Company's equipment and the conduct of a safety audit by ORS and after verification of the Company's compliance with the Commission's regulations for proof of insurance. (TR.

p. 63). Upon consideration by the members of the Commission, Commissioner Howard's motion was carried unanimously. (TR. p. 64).

DISCUSSION

S.C. Code Ann., § 58-23-590 (Supp. 2006) requires a motor carrier which applies for a Class E Certificate to prove that it is "fit, willing and able" to provide the intended services and that public convenience and necessity require the proposed services. As required by the General Assembly, the Commission has promulgated its S.C. Code Ann. Regs. 103-133 which provides the criteria by which an applicant must show, and the Commission may find and conclude, that the applicant has met its statutory burden and that it is entitled to the issuance of a Class E Certificate.

The Company presented the evidence of two (2) witnesses to establish that it was "fit, willing and able" to provide the intended transportation of household goods between points and places in South Carolina and five (5) witnesses to establish that public convenience and necessity require the Company's proposed services.

First, the Company's President, Ronald C. Fulmer, Jr., described the formation of the Company and the experience that the officers of the Company have in the transportation and care of household goods (TR. pp. 6-8 and pp. 10-11). Mr. Fulmer also described the Company's financial integrity, its safety and training programs, the equipment that the Company has presently leased, and its intention to acquire the use of additional equipment as circumstances require. (TR. pp. 8-9 and pp. 13-14). Mr. Fulmer testified that he was aware of the Commission's rules and regulations for motor carriers and that he and the Company intended to comply fully with them. (TR. p. 11). Mr.

Fulmer also stated that the Company has received numerous inquiries and requests for its intended services. (TR. pp.6 and 9).

The Company also offered the testimony of L. Matthew Doscher, Vice-President and Manager of Operations. Mr. Doscher provided additional details about the Company's intended rates (TR. pp. 18-20; Hearing Ex. No. 1) and its current inventory of supplies and equipment (TR. pp. 20-22; Hearing Ex. No. 2). Mr. Doscher described the Company's training program and its expectations for the qualifications of its employees. (TR. pp. 22-33). He provided additional information concerning the Company's equipment (TR. pp. 23-25; Hearing Ex. No. 3) and amount and status of its vehicle insurance, liability insurance, and physical damage insurance. (TR. 25-27; Hearing Ex. No. 4). Mr. Doscher also testified that he was knowledgeable of the Commission's rules and regulations and that the Company would comply with all regulatory requirements.

The Company presented the testimony of five (5) witnesses to demonstrate that public convenience and necessity require the services that the Company proposed to offer. Mr. Christopher Carlin, Sales Manager of Spring Cleaning Services, in Charleston, South Carolina, was the first of the Company's supporting "shipper witnesses." (TR. pp. 34-38). Mr. Carlin testified that he was thoroughly familiar with the abilities of the Company (TR. pp. 35-36) and that he knew many persons whom his company served who had need of transportation services for household goods within South Carolina and that he would recommend the use of the Company if its Application was approved (TR. pp. 35-37).

Mr. Dan Hankins, President and Owner of D. H. Hankins Trucking Company, LLC, in Charleston, testified that he was familiar with the officers and abilities of the Company (TR. pp. 39-40) and that he had experienced dissatisfaction with other household goods carriers (TR. pp. 40-41). Mr. Hankins also testified that he would use the services of the Applicant and that he would encourage the employees of his company to do so when they had need of the transportation of household goods (TR. p. 41).

Mr. John Farmer, Sales Manager of WACH Fox 57 in Columbia, provided similar testimony in which he expressed confidence in the Company and its abilities (TR. pp. 44-46) for his needs and those of his sales staff.

Mr. John Short, Chief Executive Office of Abalone Group Homes and of Next Calvary Youth Services, in Greenville, testified of the needs that the current and future employees of his organizations have, and will have, for a dependable carrier of household goods in the upstate area. (TR. pp. 47-49). Mr. Short also described some dissatisfaction with experiences with household goods carriers (TR. pp. 50-51).

Finally, Mr. John C. West, Jr., Esquire, testified about his familiarity with the Company and Mr. Fulmer and his confidence that the Company would provide a high quality of professionalism in its services (TR. pp. 51-53). Mr. West testified that he and his employees would use the Company's services upon issuance of the requested Certificate (TR. p. 54).

The ORS presented the testimony of George Parker, Manager of the Transportation Department of the ORS. Mr. Parker testified that he was satisfied with the Company's rates (TR. p. 57-58) and the status of the intended lease of the Company's

equipment (TR. pp. 57-58) and the quotes for the Company's insurance (TR. pp. 58). Mr. Parker also described the general approach to the inspection of premises, facilities, and equipment that ORS conducts, and testified about the on-site inspection that he had made of the Company's premises. (TR. pp. 59-61; Hearing Ex. No. 5). Mr. Parker indicated that ORS would conduct a final vehicle inspection and a safety audit and verify the Company's insurance upon approval of the Application prior to issuance of the requested Certificate (TR. pp. 61-62).

FINDINGS AND CONCLUSIONS

Based upon our full review of the evidence in the record, the Commission makes the following findings and reaches the following conclusions:

1. That Movers and Groovers, Inc. is fit, willing, and able to provide motor carrier services for household goods between points and places in South Carolina.
2. That public convenience and necessity require the services that Movers and Groovers, Inc. has applied to offer in South Carolina.
3. That upon notification of the conduct of a vehicle inspection and safety audit and verification of insurance by ORS, a Class E Certificate of Public Convenience and Necessity for Operation of Motor Vehicles for transportation of household goods between points and places in South Carolina will be issued to Movers and Groovers, Inc.

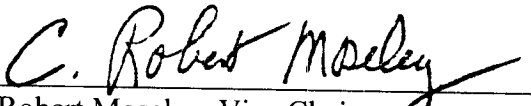
4. That this Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:



C. Robert Moseley, Vice Chairman

(SEAL)